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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,769	08/05/2003	Todd W. Goforth	IGT1P095/P-813	1651

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Weaver Austin Villeneuve & Sampson LLP - IGT  
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P.O. Box 70250  
Oakland, CA 94612-0250

EXAMINER
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WONG, JEFFREY KEITH

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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07/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,769	<b>Applicant(s)</b> GOFORTH ET AL.	
	<b>Examiner</b> Jeffrey K. Wong	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of the Application*

1. This Office-Action acknowledges the Amendment filed on 3/9/2009 and is a response to said Amendment.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9-13, 15-17, 19-20, 23, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose, European Patent Application Ep 1453021A1(Loose).

Regarding Claim 1.

Loose teaches a wager-based gaming machine comprising: one or more speakers(para 16);

a master gaming controller adapted to process and facilitate the presentation of a wager- based game(para 2);

a digital sound system comprising:

at least one memory unit storing data(para 6), wherein said data comprises one or more wave files, one or more sets of wave table data, or both (para 16. While Loose does not explicitly teach of wave files, it is implied that the stored data comprises wave files), and a digital signal processor configured to produce audio output for said one or more

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speakers(para 6), wherein said digital signal processor is adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files(para 6); a programmable logic device interposed between the master gaming controller (fig 3) and the digital sound system such that said digital signal processor is unable to communicate directly to said master gaming controller(para 23. In this case, the CPU communicates with the digital sound system through elem 32. It can be implied that the interface may be any suitable interface such as an event sequencer); and wherein said programmable logic device converts instructions from said master gaming controller to instructions that can be executed by said digital signal processor(para 32).

Regarding Claims 2, 15, 19.

Loose teaches wherein the programmable logic device forms an event sequencer interposed between the master gaming controller and the digital signal processor (para 32. elem 32 can be viewed as an event sequencer)

Regarding Claims 3, 13.

Loose teaches wherein said digital signal processor is configured to alter musical or tonal parameters while a sound file is playing(para 23. DSPs can be used to alter musical or tonal parameters).

Regarding Claim 4, 23.

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Loose teaches wherein said digital signal processor is configured to synthesize music in real-time(para 23. DSPs can be used to synthesize music).

Regarding Claim 9, 27.

Loose teaches wherein said digital sound system comprises additional memory for storing audio processing algorithms for execution on the digital signal processor(para 19).

Regarding Claim 10, 28.

The gaming machine of claim 1, wherein said event sequencer is installed in a manner that prevents the digital signal processor from effecting operation of the master gaming controller(para 23).

Regarding Claim 11.

Loose teaches a wager-based gaming machine, comprising:

a central processing unit (para 6) adapted to process and facilitate the presentation of a wager- based game(para 2);

a programmable logic device separate from and connected to said central processing unit(fig 3 and para 23);

and a digital signal processor adapted to generate and control digital output(para 6), said digital signal processor being separate from and connected to said programmable logic device(fig 3),

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wherein said programmable logic device is interposed between said central processing unit and said digital signal processor(fig 3), such that said digital signal processor is unable to communicate directly to said central processing unit(para 23), and wherein said programmable logic device converts instructions from said central processing unit to instructions that can be executed by said digital signal processor(para 32).

Regarding Claim 12.

Loose teaches wherein said digital signal processor is adapted to generate and control audio output for one or more speakers(para 6).

Regarding Claim 16, 20.

Loose teaches wherein said central processing unit comprises a master gaming controller(para 6. The CPU is used for controlling the game system).

Regarding Claim 17.

Loose teaches a method of providing sound in a wager-based gaming machine, comprising(Abstract):

providing a central processing unit (para 6) adapted to process and facilitate the presentation of a wager-based game(para 2);

providing a programmable logic device separate from and connected to said central processing unit(fig 3);

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providing a digital signal processor adapted to generate and control audio output for one or more speakers(para 6), said digital signal processor being separate from and connected to said programmable logic device(fig 3); interposing said programmable logic device between said central processing unit and said digital signal processor(fig 3), such that the digital signal processor is unable to communicate directly to the central processing unit(para 23); and programming said programmable logic device to convert instructions from said central processing unit to instructions that can be executed by said digital signal processor(para 32).

4. Claims 5-8, 14, 18, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose, European Patent Application EP 1453021A1(Loose) in view of Pryzbe, European Patent Application EP 1439506A2(Pryzby).

Regarding Claims 5, 14, 18.

Loose failed to teach wherein said digital signal processor is configured to provide audio output tailored to a player currently using the gaming machine.

However, Pryzby teaches of a slot game where audio can be tailor to a player using the machine based on their recorded voice (para 39) as means of generating an enhanced audio output which will attract frequent play and generate more excitement associated with the game (para 2)

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporating the tailored audio output of Pryzby's teachings with Loose's invention as means of attracting more frequent play and generating more excitement associated with the game as taught by Pryzby.

Regarding Claim 6, 24.

Pryzby also teaches wherein said audio output is tailored by at least one or more parameters selected from the group consisting of language selection, gender selection, accent selection, and style selection(para 39-40. In this case, the style selection can be viewed as the music style being played upon a player's response).

Regarding Claim 7, 25.

Pryzby also teaches wherein said digital signal processor is configured to recognize speech used by a player at or near the gaming machine(para 39).

Regarding Claim 8, 26.

Pryzby also teaches wherein said digital sound system further comprises a microphone, as well as speech recognition logic implemented on the digital signal processor(para 40).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714

JKW